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10/708,168

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EXAMINER

HALL, ARTHUR O

ART UNIT

PAPER NUMBER

3709

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/708,168

Applicant(s)

NGUYEN ET AL.

Examiner

Arthur O. Hall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/7/2004; 5/9/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: IDS: 6/24/2005; 4/17/2006; 3/8/2007.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 6/7/2004, 5/9/2005, 6/24/2005, 4/17/2006, and 3/8/2007 have been acknowledged by the examiner.

### ***Drawings***

The drawings are objected to because the drawing size is too large to fit an 8 1/2" x 11" sheet of paper. Examiner suggests that applicant reduce the size of the drawings in order that the reference numbers and details of the drawings become legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Specification***

The disclosure is objected to because of the following informalities: Nearly all of the page numbers of the specification are illegible because the size of the text does not fit an 8 1/2" x 11" sheet of paper. Examiner suggests that applicant reduce the size of the text in order that the page numbers become legible and the description of the specification meets the standard 12-point font size or at least a 12-point font size scaled to the page thereof.

Appropriate correction is required.

The use of the trademark for standard Bluetooth technology on pg. 8 as well as other trademarks on or about pgs. 13, 14, 40 and 54 has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 15-18, 23-27, 32-35, 37-40, 45-48, 50-54 and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Steelberg et al. (US Patent Application Publication 2003/0139190; hereinafter Steelberg). Figures are described with reference characters where necessary for clarity.

Regarding claims 23 and 37,

a remote gaming terminal player verification system adapted for accepting wagers and granting monetary awards at a remote gaming terminal (paragraph 0032-0033, Steelberg; a remote device for identification or position location so as to grant access is disclosed), comprises:

at least one computer server (paragraphs 0039-0040 and Fig. 2, 20, Steelberg; plural servers or network nodes are disclosed), said at least one computer server having a player verification program adapted to verify whether personal information / visual image regarding / of a specific player obtained at a remote gaming terminal is adequate according to one or more acceptable criteria for verifying the identity or eligibility of a player (paragraph 0057, Steelberg; a player or consumer is registered via a remote gaming device that communicates with a server that inherently requires a program controlling a processor that performs the verification process);

one or more electronic gaming devices in communication with said at least one computer server, wherein at least one of said one or more electronic gaming devices is adapted to provide and control one or more gaming events, or in other words, to permit the at least one particular gaming event to commence or continue (paragraph 0068-0069, Steelberg and Fig. 2, 40; any of the plural remote gaming devices controls the progress of real-time gaming of various games selected by the player);

a first communication device in communication with said at least one computer server, wherein said first communication device is adapted to provide at least one of said one or more gaming events at said remote gaming terminal via a first mode of communication (paragraphs 0038 and 0056, Steelberg; a remote gaming device or first communication device communicates with the network node or server via a first mode of communication or RF wireless frequency so as to provide real-time gaming at a remote terminal of the remote gaming device); and

a second communication device in communication with said at least one computer server, wherein said second communication device is adapted to obtain personal information regarding / of a specific player at said remote gaming terminal via a second mode of communication, said second mode of communication being separate from said first mode of communication (paragraphs 0048 and 0057 and Fig. 2, 60, Steelberg; a remote device reader that is in communication with the network node or server verifies or authenticates the player's personal information / age).

Regarding claims 1, 7 and 54, the scope of the claims is substantially the same as claims 23 and 37 above with the only difference being that claims 23 and 37 are apparatus claims and claims 1, 7, 21, 54 and 63 are process claims and that

one or more acceptable criteria for verifying the identity or eligibility of a player is established (paragraph 0057, Steelberg; age and a player PIN number are used to verify identity of the player);

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a request by a specific player at said remote gaming terminal to participate in at least one particular gaming event selected from said one or more gaming events is received (paragraphs 0045-0046 and 0069, Steelberg); and

steps (d) through (f) after said at least one particular gaming event has commenced are subsequently repeated (paragraphs 0048, 0057-0058 and 0068-0069, Steelberg; repetition of obtaining personal information, verifying the personal information and permitting the gaming event to commence or continue occurs inherently updating the personal information or visual image since new games are continually and periodically initiated).

Regarding claims 24 and 38, the player verification program is adapted to receive an authorization signal from a third party player authentication center (paragraphs 0041 and 0059 and Fig. 2, 10 and 30, Steelberg; the regional broadcast station is a third party player authentication center since approval of the player's registration takes place via the broadcast station by the data source).

Regarding claims 2, 26 and 39, at least one of said one or more remote electronic gaming devices / terminals comprises a gaming machine having a master gaming controller (paragraph 0068, Steelberg; a remote gaming device, once activated, controls the real-time gaming event).

Regarding claims 27 and 40, the at least one computer server / electronic device is adapted to deny the initiation or continuation of a particular gaming event when said player verification program determines that any obtained personal information is inadequate (paragraph 0059, Steelberg; the network node allows the player to continue with a gaming event only after approval or verification of player registration, otherwise



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continuation of the gaming event is inherently denied).

Regarding claims 15, 32, 45 and 61, the personal information regarding said specific player comprises a current geographic location of the specific player (paragraphs 0054-0055, 0061 and 0065-0067, Steelberg).

Regarding claims 16, 33 and 46, the current geographic location of the specific player is determined by a global positioning system (paragraphs 0054-0055 and 0065-0067, Steelberg).

Regarding claims 17, 34 and 47, the current geographic location of the specific player is determined by a cellular telephone network (paragraphs 0043-0044, Steelberg; broadcast radio signals are made via a cellular telephone network to determine or cover the regional geographic area in which the player's remote gaming device is located).

Regarding claims 18, 35 and 48, the second mode of communication comprises a cellular telephone call (paragraphs 0043-0044, Steelberg).

Regarding claim 50, at least one database contains specific personal information data with respect to a plurality of players (paragraph 0075, Steelberg; data is exported from the device reader memory being a database for storing the players data).

Regarding claim 51, the player verification program is adapted to compare personal information regarding a specific player obtained at said remote gaming terminal to specific personal information data corresponding to that specific player that is contained within said at least one database (paragraph 0075, Steelberg; player data stored on the device reader database memory is verified against data stored centrally at the data source from the remote gaming device).

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Regarding claim 52, access to a gaming event is denied or restricted with respect to said specific player due to an implemented harm minimization measure (paragraph 0076, Steelberg; the harm of hacking and fraud is prevented based on game parameter verification).

Regarding claim 53, the system is adapted to provide one or more harm minimization measures at said remote gaming terminal (paragraph 0076, Steelberg; the harm of hacking and fraud is prevented upon verification of game play initiated from the remote gaming device by storing data at the data source with device reader memory data).

Regarding claim 3, the obtaining step occurs after said receiving step (paragraphs 0057, Steelberg; the player or consumer initiates a request so as to register and participate in a game via purchase of the remote gaming device before the player provides the device reader with player information).

Regarding claim 4, the obtaining step and said receiving step occur simultaneously (paragraphs 0057, Steelberg; initiation of registration and provision of the player information also occur at the device reader).

Regarding claim 6, determining whether said specific player is authorized to participate in said at least one particular gaming event is disclosed (paragraphs 0057-0058, Steelberg).

Regarding claim 25, the electronic device comprises a gaming server (paragraphs 0039-0040 and Fig. 2, 20, Steelberg; plural servers or network nodes are disclosed).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 8-14, 19-22, 28-31, 36, 41-44, 49, 55-60 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steelberg in view of Schneier et al. (US Patent 6,264,557; hereinafter Schneier). Figures are described with reference characters where necessary for clarity.

Steelberg substantially teaches features of the claimed invention as described above.

However, Steelberg does not substantially teach the updating of a visual image via cellular telephone network as claimed. Therefore, attention is directed to Schneier, which teaches

Regarding claims 21 and 63,

an updated visual image of the specific player is obtained via a cellular telephone call or via the first mode of communication or second mode of communication (column 3, lines 42-51, column 16, lines 13-33 and Fig. 1, 200, Schneier; a game server prompts for predetermined time, random time or continuous scanning of the image of a player's fingerprint for verification via connection over cellular lines); and

the updated visual image of the specific player is verified as adequate according to at least one of said one or more acceptable criteria (column 16, lines 13-33, Schneier);

Schneier suggests that a device that provides a randomly generated outcomes or results and authentication of those results or outcomes will enhance the security of online gaming, thereby increasing players' confidence in the legitimacy of the games by ensuring that the games have not been tampered with (column 1, lines 15-45 and column 1, line 61 to column 2, line 3, Schneier).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Steelberg in view of the teachings of Schneier for the purpose of providing the gaming device of Steelberg having features for obtaining personal information about a player that are interchangeable with or upgradeable to the visual image updating features of Schneier in order to improve the confidence of players that the game playing process is legitimate via authentication of results or outcomes.

Regarding claim 5, associating said request with a particular player account is disclosed (column 7, line 65 to column 8, line 18 and Fig. 2, 290, Schneier; the player's request to participate in a game by making a wager is associated with or made possible via funds from a player account database).

Regarding claims 8 and 55, the subsequently repeated steps are continuously performed (column 16, lines 13-20, Schneier; continuous scanning of the image of a player's fingerprint is disclosed).

Regarding claims 9 and 56, the subsequently repeated steps are performed at regular periodic intervals (column 16, lines 13-20, Schneier; predetermined time scanning of the image of a player's fingerprint is disclosed).

Regarding claims 10 and 57, the subsequently repeated steps are performed at random intervals (column 16, lines 13-20, Schneier; random time scanning of the image of a player's fingerprint is disclosed).

Regarding claims 11, 30, 43 and 58, the personal information regarding said specific player comprises one or more visual images of the specific player (column 16, lines 21-33, Schneier).

Regarding claims 12 and 59, the at least one of said one or more visual images of the specific player is a digitized picture (column 16, lines 21-33, Schneier).

Regarding claims 13 and 60, the at least one of said one or more visual images of the specific player is a visual image created after said receiving step (column 15, line 65 to column 16, line 12, Schneier; once the player's request to participate in game play by initiating communication with the game server, the imaging of the players' fingerprint

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is then taken).

Regarding claim 14, the at least one of said one or more visual images of the specific player is a live visual image (column 16, lines 21-33, Schneier).

Regarding claims 19, 20, 36, 49 and 62, the personal information regarding said specific player comprises one or more visual images of the specific player transmitted via said cellular telephone call and taken by a camera built into the cellular phone used for the cellular telephone call (column 3, lines 42-51, column 7, line 65 to column 8, line 18 and column 16, lines 13-33, Schneier; visual images are transmitted via a cellular connection between a game server and a player's cellular phone since a player's telephone number is used as an ID number for security purposes and it would have been obvious at the time of invention to use a camera as part of a cellular phone to take an image of any feature of a player to be communicated over a cellular network to a game server).

Regarding claims 22, 31 and 44, the personal information regarding said specific player comprises one or more voice samples of the specific player (column 16, lines 34-54, Schneier).

Regarding claims 28 and 41, the player verification program is adapted to verify multiple submissions of personal information regarding a specific player during the progress of or between one or more gaming events (column 16, lines 13-20, Schneier; plural submissions of personal information regarding a player occurs at all times during communication with the game server).

Regarding claims 29 and 42, the player verification program is adapted to require continuous additional submissions of personal information regarding a specific player during the progress of or between one or more gaming events (column 16, lines 13-20,

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Schneier; continuous submissions of personal information regarding a player occurs at all times during communication with the game server).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

C US-2002/0169021 A1, Urie et al.

D US-2005/0005127 A1, Rowe et al.

E US-6,003,014, Lee et al.

F US-5,153,918, Tuai

G US-2003/0006931 A1, Mages

H US-6,508,709 B1, Karmarkar

I US-6,104,815, Alcorn et al.

J US-4,575,622, Pellegrini

K US-5,287,269, Dorrough et al.

L US-6,190,257 B1, Takeda et al.

M US-4,467,424, Hedges et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur O. Hall whose telephone number is (571) 270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH

7/23/2007

GARY JACKSON  
SUPERVISORY PATENT EXAMINER

